



January 31, 2014

VIA ECF

Hon. Lois H. Goodman, U.S.M.J.
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Federal Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

John E. Flaherty
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Re: Orexo AB v. Mylan Pharmaceuticals Inc., et al.
Civil Action No. 11-3788 (FLW) (LHG)

Dear Judge Goodman:

Orexo and Mylan respond jointly to the Court's January 1, 2014 request that the parties consider whether the remaining claim construction schedule can be shortened:

Orexo's position:

Orexo agrees to shorten the schedule by removing the April 4, 2014 date (Submit Proposed Hearing Schedule) from the schedule.

In response to the Court's previous request during the October 23, 2013 hearing, the parties substantially condensed the claim construction related deadlines from those allowed under the Local Patent Rules. With the additional shortening of the schedule referred to above, the schedule will be shortened 63 days (over two months) from the period between the Joint Claim Construction Pre-hearing Statement due today and the submission of to the Proposed Hearing Schedule.

Given the volume of the joint claim construction submission and the expected briefing, Orexo does not believe that further shortening is practicable. However, as mentioned above, after the final *Markman* submissions on March 28, 2014, the Court will be able to set a date for the *Markman* hearing, since the parties have already agreed that the *Markman* hearing will require one day at most (most probably a half day similar to the previous claim construction hearing in this case) and that no live witnesses will be called.

In addition, further change to the schedule will cause scheduling conflicts with other cases for key counsel on the litigation.

Because the parties were unable to agree, the schedule set forth in the November 1, 2013 Scheduling Order will not be changed, and the parties are instructed to file their Markman submissions on the dates originally ordered.

So Ordered this 11th day
of February, 2014
[Signature]

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Mylan's position:

Especially if a revised schedule would permit the Markman hearing to be held at an earlier date, Mylan is willing to shorten the times allowed for the Opening and the Responding Markman submissions by one week each (making the Opening brief due on February 21 instead of February 28, with the responding brief due three instead of four weeks later on March 14.) Mylan agrees that there is no need for a separate date for the parties to propose a schedule for the hearing per L. Pat. R. 4.6.

Respectfully submitted,

s/John E. Flaherty

John E. Flaherty

cc: Counsel of Record (via email)